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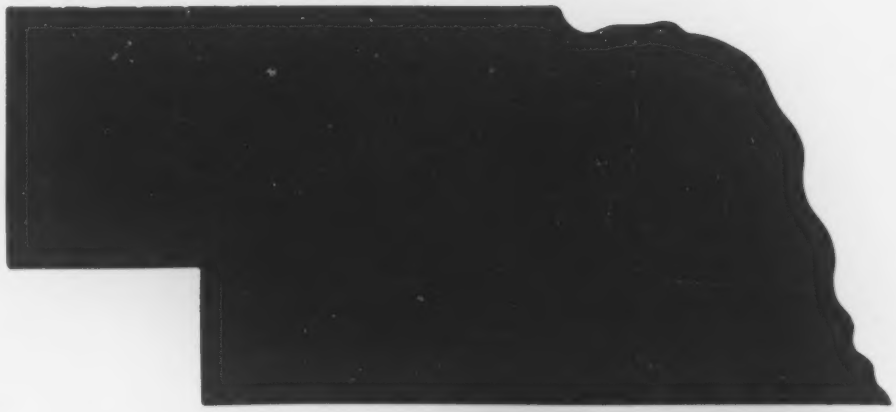

NEBRASKA ANNUAL SOCIAL INDICATORS SURVEY

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NASIS-87, #3

MAJORITY FAVOR ALTERNATIVES TO DEATH PENALTY

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The Nebraska Annual Social Indicators Survey

David R. Johnson and Alan Booth, 1987 Study Co-Directors

The findings in this report are based on data collected in the Twelfth Nebraska Annual Social Indicators Survey (NASIS). This survey is part of an on-going study of the quality of life in Nebraska conducted by the Bureau of Sociological Research at the University of Nebraska-Lincoln.

In the Fall of 1987, a representative sample of 1882 Nebraskans eighteen years of age or older living in households was interviewed by telephone. The respondents were selected using a random digit telephone sampling design. The interview averaged approximately 30 minutes and included questions about work, recreation, attitudes towards public services, taxes, and political and social issues. Other items included in the survey measured the quality of life in the state. For the entire sample, 95 out of 100 times the percentages computed from the items asked on the survey are likely to be accurate to within plus or minus 2.3 percent of the figure that would have been obtained if each adult in Nebraska had been surveyed. This is an estimate of maximum error and for most items the percentages are likely to be even more accurate.

The data gathered by NASIS are used by a wide variety of state and local government agencies for policy and program planning and by faculty and students at the University of Nebraska and other colleges for research and training. No information identifying any respondent is released to any users and the strict confidentiality of individual respondents is rigidly enforced. While the final responsibility for the organisation and structure of the survey and for reports produced rests with the Bureau of Sociological Research, public agencies and university departments play an integral part in planning the survey through an Advisory Committee. Public organisations interested in membership on the Advisory Committee should contact the NASIS Study Directors.

Funding for NASIS comes from the University of Nebraska, the Bureau of Sociological Research, and state and local agencies which buy items and data analysis from the survey.

The NASIS surveys are repeated each year to measure change in the quality of life in Nebraska. While there is a core of questions which is included every year, each survey has a large component of unique items which address specific topical areas. Additional details on the NASIS surveys or questions regarding the use of the survey data or cost of purchasing items on future surveys can be obtained by contacting Alan Booth or David R. Johnson, NASIS Study Directors, at the Bureau of Sociological Research or by sending for a copy of the 1988 NASIS Prospectus.

MAJORITY OF NEBRASKANS FAVOR ALTERNATIVE TO DEATH PENALTY

INTRODUCTION

Nebraska statutes permit the death penalty, and there are 13 men currently on death row. Of the thirteen, eight have been on death row since the mid-1970's, and some may soon finish the course of their appeals. The last Nebraska execution occurred in 1959.

There have been many attempts in recent years to repeal the death penalty and to limit its imposition. Currently there is a bill pending before the legislature that would repeal the death penalty and replace it with a life sentence that requires the individual to serve 30 years before being eligible for parole. In light of interest in the death penalty, questions were included in the 1987 Nebraska Annual Social Indicators Survey to gauge people's views on the matter.[1]

A representative sample of 469 adults were interviewed by phone in October and November. People were asked about their views on the death penalty, the strength of those views, when it should be imposed, alternatives to the death penalty they favored, and their understanding of their legislator's opinions on the matter.

RESULTS OF THE SURVEY

Overall Patterns

The overall pattern that emerged from the survey was a wide-

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1. While Amnesty International provided funds to include questions on NASIS, the design of the questions and the analysis was entirely under the supervision of NASIS staff.

spread but ambivalent support for the death penalty, coupled with a preference of a majority of Nebraskans for alternatives to the death penalty.

Under the present set of laws, 68% favor the death penalty. Many of those favoring the death penalty, however, do not have strong feelings about it. When presented with an alternative consisting of a life sentence with no possibility of parole for a specified number of years and restitution to families of murder victims, the majority (58%) preferred an alternative. When asked how their senator's vote on a bill to repeal the death penalty would influence their vote for that individual, the majority (70%) said it would make no difference or that they would be more inclined to vote for the legislator.

Strength of Attitudes

Survey respondents were asked: "In general do you favor or oppose the death penalty?" Sixty-eight percent favored the death penalty, 22% opposed it, and 10% were uncertain. However, support for the death penalty among those who favored it was not intense. When those favoring the death penalty were asked: "Would you say you favor the death penalty very strongly, somewhat strongly, not very strongly?", only 44% said very strongly, another 50% said somewhat strongly, and the other 6% said not strongly. Thus, only 30% of everyone interviewed had strong views in favor of the death penalty. Another indication that the views are not firm was the response of those favoring the death penalty when asked whether they agree or disagree with the statement: "Although I support the death penalty, I wish we had a better way of stopping murderers." Only 14% disagreed with that statement.

Moreover, those who support the death penalty do not do so in every circumstance. Respondents were asked: "Now I want you to imagine that you are deciding the sentence for people who have been found guilty of first degree murder. In each case I want you to say how each factor I mention would affect your decision." A number of conditions were mentioned and for each one the individual was asked: "Tell me whether you would be more likely to impose the death penalty, be less likely to impose the death penalty, or feel that it wouldn't make any difference."

As the data in Table 1 show, a majority of Nebraskans were less likely to favor the death penalty when the defendant had a history of mental illness or was mentally retarded; when it was not clear that the defendant had been the one actually to pull the trigger; or when other equal participants in the crime had been allowed to plead to lesser charges. Many Nebraskans said they would be less likely to favor the death penalty if the defendant had been under the influence of drugs or alcohol at the time of the crime; if the defendant had never before been convicted of a violent crime; or if the crime had begun as a robbery, in the course of which the defendant had panicked and shot. In murders involving sexual assaults and in murders with elderly or handicapped victims, Nebraskans were more likely to favor the death penalty.

Alternatives to the Death Penalty

Given the small number of people very strongly committed to the death penalty, the large number who would prefer some alternative, and the numbers who are less inclined to impose the death penalty in certain circumstances, it is informative to examine

possible alternatives. Everyone in the sample was asked: "Some people have suggested alternatives to the death penalty. In some states it is possible to impose a life sentence with no possibility of parole for at least 25 years. Would you favor abolishing the death penalty if this were an alternative in Nebraska?" Forty percent favored this option. When the number of years before parole was increased to 30 (the legislation currently before the Nebraska Legislature), 46% preferred this alternative over the death penalty. When a program of restitution was added which required the prisoner to work for money that would go to families of murder victims and to serve a life sentence with at least 25 years before parole, 58% said they would favor abolishing the death penalty if this option were available. It is clear that the majority of those surveyed prefer alternatives to the death penalty when it means the individual is out of the community and is required to make restitution.

After asking about each death penalty alternative, respondents were asked to pick the one they would most like to see in existence.[2] As the data in Table 2 show, three percent preferred the 25 years without parole option, 19% preferred the 30 years without parole and 44% selected the 25 years without parole with

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2. Respondents were asked: "Which of these death penalty alternatives would you most like to see in existence: Life imprisonment with at least 25 years that would have to be served; Life imprisonment with at least 25 years that would have to be served combined with restitution; Life imprisonment with at least 30 years that would have to be served; None of these?"

restitution to the victims' families. Only one-third (34%) of Nebraskans indicated that none of these options were acceptable. A subsequent question indicated that, of those, nearly a third would favor a life sentence without any opportunity for parole. This means that only 21% would chose the death penalty over alternative sentences. The favored option was a combination of a sentence without parole option for 25 years and a program of restitution by the offender.

Impact of Legislator's Votes

Finally, we were interested in whether people knew how their legislator had voted on a bill during the 1986 session that called for abolishing the death penalty and substituting a life sentence with no parole for 30 years. Ninety-five percent did not know how their senator had voted. We went on to ask: "If your senator voted to get rid of the death penalty and substitute a life sentence with no parole for 30 years, how would this affect your vote the next time the senator runs for election?" Fifty-one percent said it would make no difference. The rest were about equally divided, with 19% saying they would be more likely and 23% saying they would be less likely to vote for the senator. Seven percent were uncertain how it would influence their vote. In total, 70% said it would make no difference or that they would be more inclined to vote for their legislator in a re-election if s/he voted for the legislation now before the Legislature.

On all of the questions discussed above, people's opinions did not vary by whether they had voted in the last two years or by the area of the state in which they resided. All of the figures reported have a sampling error plus or minus 4.4%.

How Does Nebraska Compare With Other States

Surveys have been done in Georgia and nationally which ask similar questions. A comparison between the states indicates that Nebraska responses are similar to those found in a Georgia study and in a Gallup poll, as the data in Table 3 indicate. The differences in the three surveys are within sampling error so that they probably do not represent real differences. Georgia and Nebraska are quite similar in preferences for an alternative to the death penalty. The similarity in the studies lends credibility to all three studies.

Conclusion

While a majority of Nebraskans favor the death penalty, views are not intensely held. A majority indicated they would favor replacing the death penalty with the alternatives of a life sentence with at least 25 years to be served before parole, coupled with a program of restitution by the offender to families of murder victims.

Table 1.

Now I want you to imagine that you are deciding the sentence for people who have been found guilty of first degree murder. In each case I want you to say how each factor I mention would affect your decision.

Factor	Less Likely To Impose Death Penalty	More Likely To Impose Death Penalty	Would Not Affect Decision
This is the defendant's first violent offense.	50.1%	8.9%	41.0%
The defendant was under the influence of drugs or alcohol at the time of the crime and did not know what s/he was doing.	40.9%	10.6%	48.4%
The defendant has a history of mental illness.	63.6%	7.8%	28.6%
The defendant was involved in the crime, but it is not clear that he (or she) was the one who actually pulled the trigger.	78.4%	3.1%	18.4%
There were other people equally involved in the crime, but they were allowed to plead to lesser charges.	52.9%	4.8%	42.3%
The murder involved a sexual assault.	8.7%	62.6%	28.7%
The victim was elderly or physically handicapped.	8.4%	60.0%	31.6%
The defendant had no intention of committing a murder, but in the course of committing a robbery, panicked.	45.4%	13.3%	41.3%
The defendant is mentally retarded.	66.1%	10.8%	23.1%

Table 2.

Which of These Death Penalty Alternatives Would you Most Like to See in Existence?

	Percent In Category	Percent When Uncertain Omitted	Number of People
Life: 25 Years Before Parole Considered	3 %	3 %	12
Life: 25 Years Before Parole and Restitution	43	44	203
Life: 30 Years Before Parole Considered	19	19	89
None of These*	33	34	155
Uncertain	2	--	10
	100 %	100%	469

*Nearly one-third of those selecting "None" favored a life sentence without opportunity for parole.

Table 3.

Comparison of Nebraska Responses With Georgia and the Nation

In general, do you favor or oppose the death penalty?*

	Nebraska	Georgia	Nati
Favor	68 %	66 %	70 %
Oppose	22	23	22
Don't Know	10	11	8
	100 %	100 %	100 %
Life Sentence: 25 Years Before Parole Considered	40 %	42 %	--
Life Sentence: 25 Years and Restitution	58 %	52 %	--

*Gallup wording slightly different: "Do you favor or oppose the death penalty for persons convicted of murder?"

List of reports already released using data gathered in the 1987 Nebraska Annual Social Indicators Survey. These may be purchased at the indicated price from the Bureau of Sociological Research at the University of Nebraska-Lincoln.

Report Number	Title
1	Designs, Procedures, Instruments and Forms for the 1987 NASIS. David R. Johnson. Price: $7.50.
2	Majority Favor Higher Salaries For Legislators. Alan Booth. Price: $ .50.